

SUPREME COURT OF ARIZONA
In Division

MICHAEL H. GREGOIRE, a qualified elector,)	Arizona Supreme Court
)	No. CV-12-0303-AP/EL
)	
Plaintiff/Appellant,)	Maricopa County
)	Superior Court
v.)	No. CV2012-011868
)	
MARC E. KUFFNER, an individual,)	
)	O R D E R
Defendant/)	
Real Party in Interest,)	
)	
and)	
)	
Honorable R. FULTON BROCK, DON)	
STAPLEY, ANDREW KUNASEK, MARY)	
ROSE WILCOX, and MAX W. WILSON,)	
the duly elected or appointed)	
members of the Maricopa County)	
Board of Supervisors, in their)	
official capacities; MARICOPA)	
COUNTY BOARD OF SUPERVISORS;)	
Honorable HELEN PURCELL, the)	
duly elected Maricopa County)	
Recorder, in her official)	
capacity; Honorable KAREN)	
OSBORNE, the duly appointed)	
Maricopa County Director of)	
Elections in her official)	
capacity; and Honorable DON)	
COVEY, the Maricopa County)	
Superintendent of School, in his)	FILED 09/13/2012
official capacity,)	
)	
Defendants.)	
)	

Plaintiff/Appellant Michael Gregoire filed a Notice of Appeal on September 4, 2012. The Court, by a panel consisting of Chief Justice Berch, Justice Pelander, and Justice Brutinel, has read and considered the briefs and record in this matter and the applicable law.

IT IS ORDERED affirming the trial court's judgment granting Defendants' Motion to Dismiss for Failure to Name an Indispensible Party for the reasons set forth in that court's Minute Entry dated August 29, 2012. Plaintiff did attempt to file a Second Amended Complaint to include the Maricopa County Superintendent of Schools as an indispensable party. He did so, however, without leave of the trial court and after the time for filing an election challenge had expired under A.R.S. § 16-351(A).

Additionally, the Court notes that while Plaintiff met the statutory deadlines to file his complaint and appeal, he did so on the final day available in each instance. This Court has repeatedly emphasized that the time constraints involved in election appeals can make even permitted delays prejudicial to the orderly administration of both elections and justice. See *Klebba v. Carpenter*, 213 Ariz. 91, 93 ¶ 10, 139 P.3d 609, 611 (2006); *Mathieu v. Mahoney*, 174 Ariz. 456, 459, 851 P.2d 81, 84 (1993). Under the circumstances of this appeal, had we not resolved the case on other grounds, application of the equitable doctrine of laches would be appropriate. *Lubin v. Thomas*, 213 Ariz. 496, 497-98 ¶¶ 10-11, 144 P.3d 510, 511-12 (2006).

DATED this _____ day of September, 2012.

Rebecca White Berch
Chief Justice

TO:
Marc E. Kuffner
Don Covey
David J. Cantelme
D. Aaron Brown
Samuel J. Saks
M. Colleen Connor
Laurence G. Tinsley, Jr.
John Christian Rea
Michael K. Jeanes